

# **Exhibit 2**

# RE: Micro Focus adv Wapp -- deposition dates

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From Robert Harkins  
To Alexis Juergens; L. Rex Sears  
Cc RuyakCherian Wapp Litigation Team; Clyde Siebman; Barry Shelton; Bradley Coburn; Jared Braithwaite  
Recipients AJuergens@mabr.com; RSears@mabr.com; RCWapp@ruyakcherian.com; clydesiebman@siebman.com; bshelton@sheltoncoburn.com; coburn@sheltoncoburn.com; JBraithwaite@mabr.com

Alexis,

We will not be moving forward with this Friday as the date for the Ewing deposition. We have been reviewing the supplemental production to ensure that we received the appropriate documents in sales and marketing to discuss with Ms. Ewing, and it looks to us that the production is incomplete.

For example, we did not see documents in any production yet relating to the value of Micro Focus products, no promotions or slide decks used with customers or potential customer, and no responses to requests for proposals. Instead, Micro Focus has only produced internal ADM reporting and data sheets. Micro Focus also still has not produced pitches to customers or prospective customers related to those sales. For Micro Focus's largest customers in particular, it does not seem plausible that there would be no documentation for proposing solutions that include the Accused Instrumentalities or discussing why the prospective customer would want to pay for the offered solutions.

We don't want to depose Ms. Ewing, ask her about the absence of the documents, and then be in a position where we have to request an additional deposition because the relevant documents had not been produced. Can you please provide those documents this week? Once received, we will be in a position to set the deposition date shortly thereafter.

Thank you,

**Bob Harkins** bobh@ruyakcherian.com (510) 944-0187

**From:** Alexis Juergens <AJuergens@mabr.com> **Sent:** Tuesday, September 8, 2020 8:00 AM **To:** L. Rex Sears <RSears@mabr.com>; Robert Harkins <bobh@ruyakcherian.com> **Cc:** RuyakCherian Wapp Litigation Team <RCWapp@ruyakcherian.com>; Clyde Siebman <clydesiebman@siebman.com>; Barry Shelton <bshelton@sheltoncoburn.com>; Bradley Coburn <coburn@sheltoncoburn.com>; Jared Braithwaite <JBraithwaite@mabr.com> **Subject:** RE: Micro Focus adv Wapp -- deposition dates

Good Morning Bob,

Following up on the below, will you be proceeding with Ms. Ewing's deposition this upcoming Friday?

Best Regards,

Alexis K. Juergens

Attorney at Law

direct (801) 297-1877 | mobile (801) 864-0246

ajuergens@mabr.com | bio

www.mabr.com

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**From:** L. Rex Sears <RSears@mabr.com> **Sent:** Thursday, September 3, 2020 2:32 PM **To:** Robert Harkins <bobh@ruyakcherian.com> **Cc:**

RuyakCherian Wapp Litigation Team <RCWapp@ruyakcherian.com>; Clyde Siebman <clydesiebman@siebman.com>; Barry Shelton <bshelton@sheltoncoburn.com>; Bradley Coburn <coburn@sheltoncoburn.com>; Jared Braithwaite <JBraithwaite@mabr.com>; Alexis Juergens <AJuergens@mabr.com> **Subject:** Re: Micro Focus adv Wapp -- deposition dates

Bob,

You now have the further production. Could you let us know about next Friday for Ms. Ewing?

L. Rex Sears, Ph.D.

Attorney

tel (435) 575-1397 | fax (435) 252-1361

email rsears@mabr.com

Maschoff Brennan

**From:** Robert Harkins <[bobh@ruyakcherian.com](mailto:bobh@ruyakcherian.com)> **Date:** Friday, August 28, 2020 at 1:40 PM **To:** "L. Rex Sears" <[RSears@mabr.com](mailto:RSears@mabr.com)> **Cc:** RuyakCherian Wapp Litigation Team <[RCWapp@ruyakcherian.com](mailto:RCWapp@ruyakcherian.com)>; Clyde Siebman <[clydesiebman@siebman.com](mailto:clydesiebman@siebman.com)>; Barry Shelton <[bshelton@sheltoncoburn.com](mailto:bshelton@sheltoncoburn.com)>; Bradley Coburn <[coburn@sheltoncoburn.com](mailto:coburn@sheltoncoburn.com)>; Jared Braithwaite <[JBraithwaite@mabr.com](mailto:JBraithwaite@mabr.com)>; Alexis Juergens <[AJuergens@mabr.com](mailto:AJuergens@mabr.com)> **Subject:** RE: Micro Focus adv Wapp -- deposition dates

[CAUTION: External Sender]

Rex,

Thank you for the update. Given Ms. Ewing's topics, we need to see the production to determine whether it is sufficient for us to proceed with her deposition, but once we get the promised production, we will be diligent about getting back to you.

Regards,

**Bob Harkins** [bobh@ruyakcherian.com](mailto:bobh@ruyakcherian.com) (510) 944-0187

**From:** L. Rex Sears <[RSears@mabr.com](mailto:RSears@mabr.com)> **Sent:** Friday, August 28, 2020 12:10 PM **To:** Robert Harkins <[bobh@ruyakcherian.com](mailto:bobh@ruyakcherian.com)> **Cc:** RuyakCherian Wapp Litigation Team <[RCWapp@ruyakcherian.com](mailto:RCWapp@ruyakcherian.com)>; Clyde Siebman <[clydesiebman@siebman.com](mailto:clydesiebman@siebman.com)>; Barry Shelton <[bshelton@sheltoncoburn.com](mailto:bshelton@sheltoncoburn.com)>; Bradley Coburn <[coburn@sheltoncoburn.com](mailto:coburn@sheltoncoburn.com)>; Jared Braithwaite <[JBraithwaite@mabr.com](mailto:JBraithwaite@mabr.com)>; Alexis Juergens <[AJuergens@mabr.com](mailto:AJuergens@mabr.com)> **Subject:** Re: Micro Focus adv Wapp -- deposition dates

Bob,

Further to my message below, we have in process a further production of documents that I'd hoped to make by today, but it now looks like that might slip to early next week—still well in advance of the September 11 date we have proposed for Ms. Ewing.

Speaking of which: please confirm September 11 for Ms. Ewing.

Have a good weekend.

L. Rex Sears, Ph.D.

Attorney

tel (435) 575-1397 | fax (435) 252-1361

email rsears@mabr.com

**From:** "L. Rex Sears" <[RSears@mabr.com](mailto:RSears@mabr.com)> **Date:** Tuesday, August 25, 2020 at 9:11 PM **To:** Robert Harkins <[bobh@ruyakcherian.com](mailto:bobh@ruyakcherian.com)> **Cc:** RuyakCherian Wapp Litigation Team <[RCWapp@ruyakcherian.com](mailto:RCWapp@ruyakcherian.com)>, Clyde Siebman <[clydesiebman@siebman.com](mailto:clydesiebman@siebman.com)>, Barry Shelton <[bshelton@sheltoncoburn.com](mailto:bshelton@sheltoncoburn.com)>, Bradley Coburn <[coburn@sheltoncoburn.com](mailto:coburn@sheltoncoburn.com)>, Jared Braithwaite <[JBraithwaite@mabr.com](mailto:JBraithwaite@mabr.com)>, Alexis Juergens <[AJuergens@mabr.com](mailto:AJuergens@mabr.com)> **Subject:** Re: Micro Focus adv Wapp -- deposition dates

Bob,

A further adjustment for Mr. Margaliot: he only needs a 45-minute midday break (instead of 75 minutes), but he needs to end by 4:30 Israel time (instead of 5:00).

Ms. Ewing is available on 9/11. Please confirm.

L. Rex Sears, Ph.D.

Attorney

tel (435) 575-1397 | fax (435) 252-1361

email [rsears@mabr.com](mailto:rsears@mabr.com)

Maschoff Brennan

**From:** "L. Rex Sears" <[RSears@mabr.com](mailto:RSears@mabr.com)> **Date:** Wednesday, August 19, 2020 at 12:00 PM **To:** Robert Harkins <[bobh@ruyakcherian.com](mailto:bobh@ruyakcherian.com)> **Cc:** RuyakCherian Wapp Litigation Team <[RCWapp@ruyakcherian.com](mailto:RCWapp@ruyakcherian.com)>, Clyde Siebman <[clydesiebman@siebman.com](mailto:clydesiebman@siebman.com)>, Barry Shelton <[bshelton@sheltoncoburn.com](mailto:bshelton@sheltoncoburn.com)>, Bradley Coburn <[coburn@sheltoncoburn.com](mailto:coburn@sheltoncoburn.com)>, Jared Braithwaite <[JBraithwaite@mabr.com](mailto:JBraithwaite@mabr.com)>, Alexis Juergens <[AJuergens@mabr.com](mailto:AJuergens@mabr.com)> **Subject:** Re: Micro Focus adv Wapp -- deposition dates

A correction regarding Mr. Margaliot: he needs the 75-minute lunch break at 1:15 pm Israel time, not 11:45 am.

L. Rex Sears, Ph.D.

Attorney

tel (435) 575-1397 | fax (435) 252-1361

email [rsears@mabr.com](mailto:rsears@mabr.com)

Maschoff Brennan

**From:** "L. Rex Sears" <[RSears@mabr.com](mailto:RSears@mabr.com)> **Date:** Tuesday, August 18, 2020 at 11:22 AM **To:** Robert Harkins <[bobh@ruyakcherian.com](mailto:bobh@ruyakcherian.com)> **Cc:** RuyakCherian Wapp Litigation Team <[RCWapp@ruyakcherian.com](mailto:RCWapp@ruyakcherian.com)>, Clyde Siebman <[clydesiebman@siebman.com](mailto:clydesiebman@siebman.com)>, Barry Shelton <[bshelton@sheltoncoburn.com](mailto:bshelton@sheltoncoburn.com)>, Bradley Coburn <[coburn@sheltoncoburn.com](mailto:coburn@sheltoncoburn.com)>, Jared Braithwaite <[JBraithwaite@mabr.com](mailto:JBraithwaite@mabr.com)>, Alexis Juergens <[AJuergens@mabr.com](mailto:AJuergens@mabr.com)> **Subject:** Micro Focus adv Wapp -- deposition dates

Bob,

Following up on earlier correspondence and emails, Micro Focus expects to produce witnesses for deposition as follows: Archie Roboostoff on August 26, Christine Ewing on August 27, and Raffi Margaliot on September 1-2. We should be able to provide more detailed 30(b)(6) designations shortly. In general, Ms. Ewing is expected to be designated for marketing and sales topics, Mr. Margaliot for product history topics, and Mr. Roboostoff for the other topics on which Micro Focus will produce a witness.

Mr. Roboostoff is in the Pacific Time Zone, Ms. Ewing is in the Mountain Time Zone, and Mr. Margaliot is in Israel. I noted Mr. Margaliot's

availability as September 1-2 because he can be available as early as 8 a.m. and as late as 5 p.m. Israel time on September 2, and 8 a.m. Israel time is September 1 in the Pacific and Mountain Time Zones. Mr. Margaliot will need to break for 15 minutes at 11:45 a.m. Israel time. Please let us know what times you would like to begin the depositions.

You also asked for depositions of “Christine Tate,” apparently intending Cristina Tate, “Mike Philips,” apparently intending Mike Phillips, and Phil Rayment. Ms. Tate and Mr. Phillips are no longer with Micro Focus. They also have no connection we can see with Wapp’s claims against Micro Focus. Can we agree their depositions are not needed?

Mr. Rayment is a senior executive who likewise has no discernible connection with the subject matter of Wapp’s claims against Micro Focus. You should be able to obtain whatever deposition discovery you need from Ms. Ewing and Messrs. Robostoff and Margaliot. But if you think it necessary to proceed with his deposition, regardless, please let us know if you think you need his deposition for your expert reports coming due on September 3, or if instead his deposition can wait.

L. Rex Sears, Ph.D.  
Attorney  
tel (435) 575-1397 | fax (435) 252-1361  
email rsears@mabr.com  
Maschoff Brennan

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